

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

WILLIAM E. DUGAN, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	CIVIL ACTION
	)	
vs.	)	NO. 08 C 2070
	)	
HILDEBRANDT PAVING, LTD.,	)	JUDGE DER-YEGHIAYAN
an Illinois corporation,	)	MAGISTRATE JUDGE SCHENKIER
	)	
Defendant.	)	

**PLAINTIFFS' JURISDICTIONAL STATUS REPORT**

Plaintiffs, WILLIAM E. DUGAN, *et al.* (hereinafter referred to as "Trustees"), by their attorneys, submit the following Plaintiffs' Jurisdictional Status Report in accordance with the Court's standing order and state as follows:

I. Subject Matter Jurisdiction:

This matter is brought pursuant to the Employee Retirement Income Security Act (ERISA) of 1974, as amended, 29 U.S.C. §§1132, 1145, for delinquent fringe benefit contributions and liquidated damages. The Trustees are trustees of the Midwest Operating Engineers Welfare Fund, Midwest Operating Engineers Pension Trust Fund, Operating Engineers Local 150 Apprenticeship Fund, and Local 150, I.U.O.E Vacation Savings Plan (hereinafter referred to as the "Funds") which are "plans and "employee welfare plans" within the meaning of ERISA. The Trustees are seeking unpaid fringe benefit contributions owed by HILDEBRANDT PAVING, LTD. (hereinafter referred to as "the Company") to the Funds and delinquent contribution reports required to be submitted to the Funds by the Company on behalf of its employees. The Federal Courts have exclusive jurisdiction over claims for unpaid fringe benefit contributions pursuant to 29 U.S.C. §1132 (e)(1).

II. Venue:

Venue is proper in the Northern District of Illinois, Eastern Division. Suits for unpaid contributions under ERISA, "...may be brought in the district where the plan is administered, where the breach took place, or where a defendant resides or may be found." 29 U.S.C. §1132 (e)(2). Here, venue is appropriate in the Northern District of Illinois, Eastern Division because the Funds are administered within this district and division. These Funds are now and at all relevant times administered by David S. Bodley, as Administrative Manager to the Funds. (See, Bodley Affidavit ¶ 1). The Funds' offices are located at 6150 Joliet Road, Countryside, Illinois 60525. (See, Bodley Affidavit ¶ 2). Countryside, Illinois is located in Cook County which is within the Eastern District. Accordingly, venue is appropriate in this Court.

Respectfully submitted,

/s/ Cecilia M. Scanlon  
One of the Attorneys for the Plaintiffs

Cecilia M. Scanlon  
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**CERTIFICATE OF SERVICE**

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Plaintiffs' Jurisdictional Status Report) with the Clerk of Court using the CM-ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participants on or before the hour of 5:00 p.m. this 8<sup>th</sup> day of May 2008:

Hildebrandt Paving, Ltd.  
c/o Judy Hildebrandt, President  
45W860 Plank Road  
Hampshire, IL 60140

and

Hildebrandt Paving, Ltd.  
c/o Craig Hildebrandt, Secretary  
37-A Ione Drive  
South Elgin, IL 60177

/s/ Cecilia M. Scanlon \_\_\_\_\_

Cecilia M. Scanlon  
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NO. 08 C ~~0207~~ 2070

JUDGE DER-YEGHIAYAN  
MAGISTRATE JUDGE SCHENKIER

STATE OF ILLINOIS )  
 ) S.S.  
COUNTY OF COOK )

**AFFIDAVIT**

DAVID S. BODLEY, being first duly sworn upon his oath, deposes and states:

1. I am the Administrative Manager for the Midwest Operating Engineers Welfare Fund, Midwest Operating Engineers Pension Trust Fund, Operating Engineers Local 150 Apprenticeship Fund, and Local 150, I.U.O.E Vacation Savings Plan (hereinafter referred to as the "Funds"), and in such capacity, I have knowledge of the matters hereinafter set forth, and if called as a witness in the instant proceedings, I am confident to testify in respect thereto.

2. The Funds are administered out of the offices located at 6150 Joliet Road, Countryside, Illinois 60525.

FURTHER AFFIANT SAYETH NAUGHT.

DAVID S. BODLEY

Subscribed and sworn to before me  
this 7 day of May, 2008.

Maria N. Corral  
Notary Public

